

FINDING OF NO SIGNIFICANT IMPACT
North ACEC Boundary Fence Construction
DOI-BLM-NM-P010-2011-111-EA

FINDING OF NO SIGNIFICANT IMPACT: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined the proposed action is not expected to have significant impacts on the environment and that preparation of an Environmental Impact Statement is not warranted.

Rationale for Recommendations: The proposed action would not result in any undue or unnecessary environmental degradation. The proposed action will be in compliances with the Roswell Resource Management Plan and Record of Decision (October, 1997).

/s/ Charles Schmidt
Charles Schmidt, Field Manager

06/02/2011
Date

DECISION RECORD
North ACEC Boundary Fence Construction
DOI-BLM-NM-P010-2011-111-EA

DECISION: It is my decision to authorize the construction of the barbed wire fence to maintain proper range management, and to allow easy movement of wildlife on the North ACEC Allotment #65234.

Location of the fence is as follows: Township 8 South, Range 30 East, Sections 27, & 34
Township 9 South, Range 30 East, Sections 3, 4, 5, 6, 7 & 18

Chaves County
New Mexico Principal Meridian

(Please refer to the map in the Environmental Assessment.)

The surface protection procedures set forth in the proposed action have been incorporated into the Environmental Assessment. Any comments made to this proposed action were considered and addressed.

Rationale for Recommendations: The decision to authorize the proposed action does not result in any undue or unnecessary environmental degradation. The action is consistent with planned actions presented in the Roswell Resource Management Plan, Oct, 1997.

In accordance with 43 Code of Federal Regulations, Part 4100, Sec 4160.2, any applicant, permittee, lessee or other affected interests may protest this proposed decision in person or in writing to the authorized officer, within 15 days after receipt of this decision. Please be specific in your points of protest.

The protection procedures for the proposed action are included in the Cooperative Agreement and are attached as stipulations. Any additional mitigation measures identified for the proposed action in the environmental impacts sections of the attached environmental assessment have been formulated into stipulation. This decision incorporated by reference the attached stipulations.

In addition to the addressee, this decision has been provided to:

White Lakes Ranch, Allotment 65035

White Lakes Crosby, Allotment 65034

New Mexico Department of Game & Fish
1912 West Second
Roswell, New Mexico 88201

Pursuant to the provisions of 43 CFR 4.21, 4.470 and 4160.4 you are allowed 30 days from the receipt of this Final Decision in which to file an appeal to the Field Office Manager and to those listed above for the purpose of a hearing before an Administrative Law Judge. Your appeal must state clearly and concisely in writing the reason(s) why you think the final decision is in error.

To receive consideration for staying the implementation of this decision, you must specify how you would be harmed if the stay were not granted. If a petition for stay is not granted, the decision will be put into effect following the 30-day appeal period. Appeals can be filed at the following address:

Field Office Manager
Bureau of Land Management
Roswell Field Office
2909 West Second Street
Roswell, NM 88201

In addition to filing at this address, those listed above must also be served copies of the appeal (43 CFR 4.470(a)).

/s/ Charles Schmidt

Charles Schmidt, Field Manager

06/02/2011

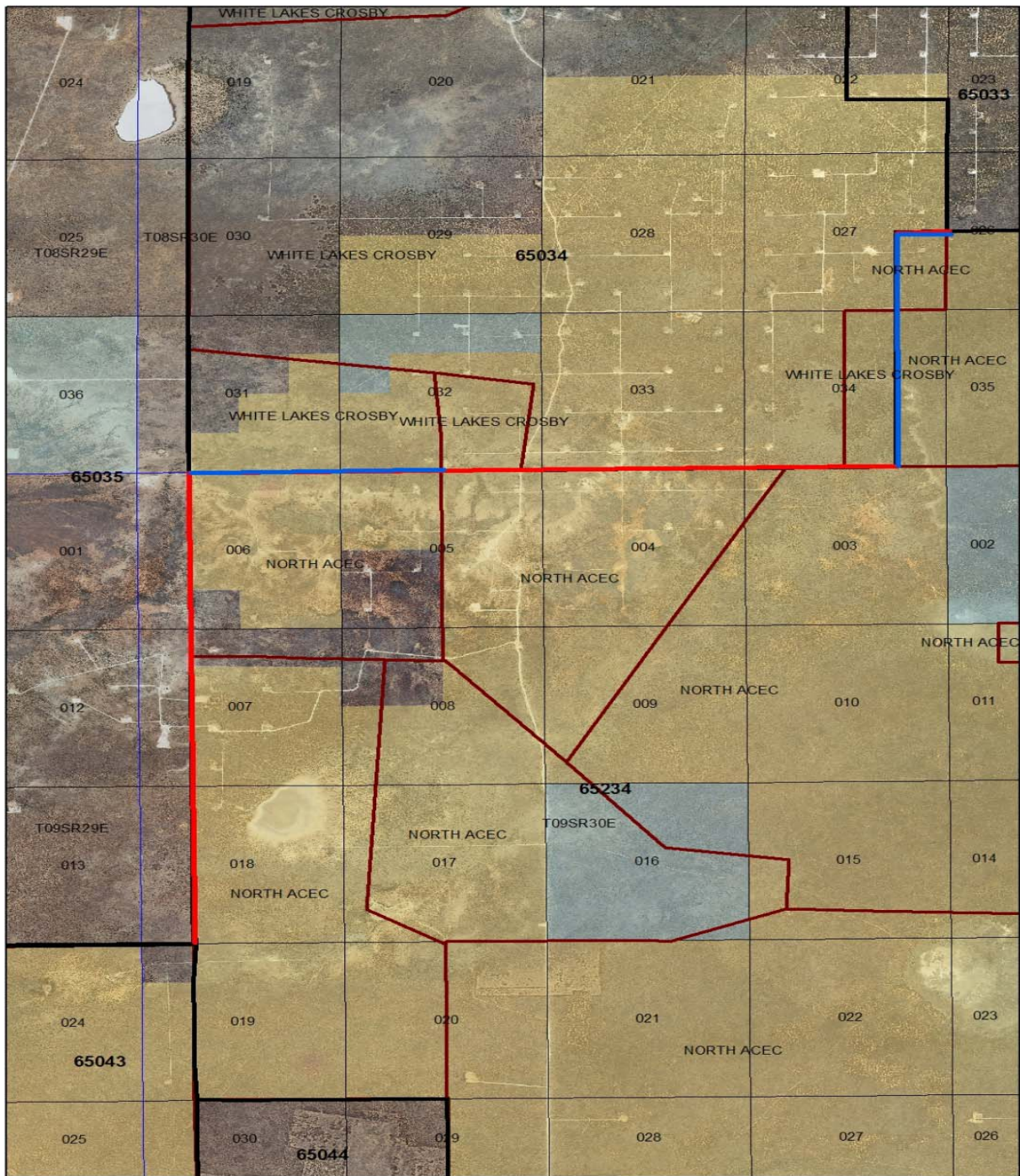
Date

Environmental Analysis
North ACEC Boundary Fence Construction
DOI-BLM-NM-P010-2011-111
Allotment #65234
Bureau of Land Management
Roswell Field Office
Roswell, New Mexico
March 2011

Location:
New Construction
Township 8 South, Range 30 East, Sections 27 & 34
Township 9 South, Range 30 East, Sections 5 & 6
Reconstruction
Township 9 South, Range 30 East, Sections 3, 4 5, 6, & & 18

Chaves County
New Mexico Principal Meridian

North ACEC Boundary Fence



Legend

- New Fence Construction
 - North ACEC Boundary Fence
 - Allotment boundaries
 - RPO Pastures
- NM_SurfOwn_030810**
- Surface Ownership**
- Bureau of Land Management
 - Bureau of Reclamation
 - Dept. of Defense
 - Forest Service
 - Fish & Wildlife Service
 - Tribal
 - National Park Service
 - Private
 - State
 - State Game & Fish
 - State Park

0 0.3 0.6 1.2 Miles

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data was compiled from various sources. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notification.

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I. INTRODUCTION

Need For the Proposed Action

The need for the proposed action is to provide right of way fencing with the construction of 4 strand fence (3 barbed wire, 1 bottom smooth wire) across public and private land. The entire length of new fence line on public land is approximately 3.00 miles. An additional 5.25 miles of fence will be reconstructed, of which 0.5 miles is located across private lands.

Existing fences, water developments, and other range improvements needed to implement grazing systems or other management plans were incorporated or new ones were designed during specific management plan development. Other range improvements may be addressed as the need becomes apparent on allotments without documented allotment management plans. No allotment management plan is currently on file for this allotment with the Bureau of Land Management.

Range fencing and water developments facilitate the handling of and caring for livestock. The location of fence developments on rangeland is important in controlling the movement, distribution, and concentrations of livestock.

Conformance with Land Use Plans: The proposed activity is addressed as part of the Roswell Resource Management Plan (October, 1997) and the Special Status Species Record of Decision and Approved Resource Management Plan Amendment (April 2008).

Relationship to Statutes, Regulations, or Other Plans: The construction of fences as range improvements, either under Cooperative Agreement or Range Improvement Application is addressed under the 43 Code of Federal Regulations, Parts 4100, Grazing Administration, Exclusive of Alaska., Subpart 4120.3

Other Statutes, Regulations or Plans are:

The Taylor Grazing Act of 1934, as amended (43 U.S.C. 315 (a)-(r))

The Federal Land Policy and Management Act of 1976, as amended (Pub. L. 94-579, 43 U.S.C. 1702 et seq), Sections 302 (a) & (b), Section 502 (a) & (c)

The Public Rangelands Improvement Act of 1978, as amended (Pub. L. 95-514, 43 U.S.C. 1901 et seq),

The National Environmental Policy Act of 1969, as amended (Pub. L., 91-190, 42 U.S.C. 4321-4347) Sec. 101

II. PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed action is the construction of a four strand fence; (3 barbed wire, bottom wire smooth); to separate and distinguish two BLM allotments. The allotments to the north and west of the boundary fence will continue to be grazed under the Taylor Grazing Act, while the grazing on the allotment to the south, known as the North ACEC allotment has been relinquished.

The fence will be constructed using the standard construction methods.

No other fences are currently planned on the North ACEC allotment. The location of the proposed fence is Township 8 South, Range 30 East, Section 27 & 34, Township 9 South, Range 30 East, Sections 3, 4, 5, 6, & 18, all in Chaves County, New Mexico Principal Meridian, New Mexico.

Three miles of the proposed fence will be new construction and the remaining 5.25 miles of fence will be reconstruction. The new fence will be located on public surface and will be constructed under a Cooperative Range Improvement Agreement. The adjoining allottees will be responsible for the maintenance of all of the fence (See attached Map).

Standard measures that will be included in the authorization for these projects are:

No blading will occur on public land, unless authorized by the Authorized Officer.

Fences shall be flagged to warn big game and Lesser Prairie Chickens of the new structures. White topped fence posts may be used along with flagging.

Fence post spacing shall be up to 15 feet.

BLM reserves the right to alter any fence on federal land should it be necessary for wildlife purposes.

Wire spacing will be at 16", 6", 8" and 12" measuring from the ground up.

No road is authorized as a part of this project for construction or maintenance.

Gates or cattle guards will be installed on existing roads to ensure public access.

Brush will be cleared by hand with hand tools.

The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public land under this authorization.

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.

The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.

The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.

Alternatives

1. No Action - Alternative 1

This alternative would leave the existing allotment configurations as is. The Special Status Species Record of Decision and Approved Resource Management Plan Amendment (April 2008) [RMPA] designated an area to be known as the Lesser Prairie-Chicken Habitat Preservation ACEC (see page 30-31 of the RMPA) in which the grazing could be relinquished under the Taylor Grazing Act. Grazing could still be used as a vegetation management tool. Private and state lands were acquired within the area. By not constructing the fence, the utilization patterns would remain the same. Livestock would continue to use certain areas of the new allotment. Construction of the fence will allow the adjacent allottees to control their stock and prevent accidental access to the ACEC allotment.

2. Locate Elsewhere - Alternative 2

This alternative would re-route the entire proposed fence. The alternatives would:

- a. add length to the fenceline;
- b. would cause more impact to the affected resources on the alternate route or
- c. would not be economical to install, maintain or use. To re-route the fenceline would cause a re-alignment of the allotments which would not be in compliance with the RMPA ACEC designation.

This alternative will not be given further consideration in this report; fewer environmental impacts would result from the action as proposed.

III. AFFECTED ENVIRONMENT

A. General Setting

The affected environment of the area is generally discussed in the Roswell Resource Management Plan (Oct. 1997) and the Special Status Species Record of Decision and Approved Resource Management Plan Amendment (April 2008). Only those resources actually impacted by the proposed action will be addressed in this document.

The proposed fence is to be located along the boundary of the North ACEC- Allotment 65234, White Lakes-Crosby- Allotment 65034 and White Lakes- Allotment 65035. The allotments are located approximately thirty-eight miles north east of Roswell, lying north of US Highway 380 and south of US Highway 70.

The major regional industries are ranching, oil and gas development, as well as seasonal hunting.

The critical elements of Prime or Unique Farmlands, Floodplains, Cultural resources, Native American Religious Concerns, Hazardous or Solid Wastes, Water Quality, Wetland and Riparian Zones, Wild and Scenic Rivers, Threatened/Endangered Species, Low Income/Minority Populations and Wilderness will not be affected. A cultural resource inventory survey was completed in March 2011.

B. Affected Resources and Environmental Consequences.

Air Quality:

BLM is required to comply with the Clean Air Act, as amended, and State Implementation Plans. The proposed area has not been identified as a non-attainment area. Additionally, throughout most of the year the air quality throughout Chaves County is very good and is considered clean. Air quality will be temporarily impacted only during the dry spring months, windstorms and blowing dust can become a problem throughout the area.

The area of the proposed action is considered a Class II air quality area. A Class II area allows moderate amounts air quality degradation. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soil and exhaust emissions from motorized equipment.

Environmental Consequences –

Air quality would temporary be directly impacted with pollution from exhaust emissions, chemical odors, and dust that would be caused by the motorized equipment used to construct the project. Dust dissemination would discontinue upon completion of the construction phases of the project. Air pollution from the motorized equipment would discontinue at the completion of the project. The winds that frequent the southeastern part of New Mexico generally disperse the odors and emissions. The impacts to air quality would be greatly reduced as the construction of the project is completed. Other factors that currently affect air quality in the area include dust from livestock herding activities, dust from recreational use, and dust from use of roads for vehicular traffic.

There would be some impact to air resources in the short term resulting from construction activities. The construction activities would cause temporary increase in dust concentrations in construction areas. The use of standard construction dust mitigation procedures would help control emissions.

Soils:

The Soil Conservation Service, now the Natural Resource Conservation Service (NRCS), has surveyed the soils in Chaves County. Complete soil information is available in the *Soil Survey of Chaves County, New Mexico, Northern Part (USDA Soil Conservation Service 1980)*. The soil map units represented in the project area are:

Blakeney-Ratliff association, moderately undulating (BRB) Slopes found for this soil are from 0 to 5 percent. This unit is 45 percent Blakeney fine sandy loam and 45 percent Ratliff fine sandy laom. The Blakeney soil is found on the ridges while the Ratliff soils is in depressional areas. The Blakeney soil is shallow and well drained, formed in calcareous alluvial and eolian deposits with moderately rapid permeability. Available water capacity is very low. Effective rooting depth is 8 to 20 inches with medium runoff. The hazard of water e4roision is moderate and the hazard of soil blowing is high. The Ratliff soil is deep and well drained with moderate permeability. Available water capacity is high. The Effective rooting depth is 60 inches or more. Runoff is medium and the hazard of water erosion is moderate. The hazard of soil blowing is also high.

Faskin fine sand, 0-2 percent slopes (FaA) This is a deep and well drained soil found on high terraces. It is formed in alluvial and eolian deposits. Permeability is moderate, available water capacity is high, effective rooting depth is 60 inches or more. Runoff is medium and the hazard of water erosion is moderate while the hazard of soil blowing is considered to be very high.

Ratliff-Redona association, gently undulating (RBA) Slopes in this unit are from 0 to 2 percent. This unit is comprised of 45% Ratliff fine sandy loam and 35% Redona soils. The Ratliff soil is on alluvial side slopes and low ridges and the Redona soil is in depressional areas. The Redona soil is deep and well drained and formed in calcareous alluvium. Permeability is moderate with very high available water capacity. Effective rooting depth is 60 inches or more. Runoff is slow and the hazard of water erosion is slight. The hazard of soil blowing is high.

Redona-Canez association, loam surface, gently undulating (RDA) This association is 60 percent Redona loam with 0 to 2 percent slopes and 35% Canez loam with slopes of 0 to 1 percent. The Redona soils is on low ridges and the Canez soil is in the depressional areas. The Canez soil is deep and well drained, formed in alluvium with high available water capacity. Permeability of the Canez soil is moderate, effective rooting depth is 60 inches or more. Runoff is medium and the hazard of water erosion or blowing soil is moderate.

Redona-Canez association, loam surface, gently undulating, 0 to 2 percent slopes (RKA) Permeability of the Redona soil is moderate. Runoff is medium, and the hazard of water erosion is moderate and the hazard of soil blowing is moderate. Permeability of the Canez soil is moderate. Runoff is medium, and the hazard of water erosion is moderate and the hazard of soil blowing is moderate.

Roswell-Jalmar fine sands, hilly (RPD) Slopes can run from 0 to 25 percent in this unit which is comprised of 60 percent Roswell fine sand with 2 to 25 percent slopes and 35 percent Jalmar fine sands with slopes of 0 to 2 percent. The Roswell soil is on hummocky sand dunes and the Jalmar soil is in depressional areas in interdunal areas. The Jalmar soil is deep and well drained, forming in alluvial and eolian deposits. Permeability of the Jalmar soil is moderate with effective rooting depth of 60 inches or more. Runoff here is slow and the hazard of water erosion is slight. The hazard of soil blowing is very high.

Stromal-Pyote fine sands, gently undulating (SPA) The unit is comprised of 50 percent Stromal fine sand with slopes of 0 to 2 percent and 40 percent Pyote fine sand with slopes of 0 to 1 percent. The Stromal soil is on low ridges and the Pyote soil is mainly in depressional areas, but is occasionally found also on low ridges. The unit is deep and well drained, forming in alluvial and eolian deposits. Permeability is moderately rapid. The Stromal soil has a moderate available water capacity while the Pyote soil has a low available water capacity. Effective rooting depth for both soils is 60 inches or more, with slow runoff. The hazard of water erosion is slight in the unit, while the hazard of soil blowing is very high.

Environmental Consequences –

The construction of the project would physically disturb topsoil during the placement of the posts and gates. Direct impacts resulting from the construction of the project include removal of vegetation along the fenceline, exposure of the soil, compaction by livestock trailing along the new fence, loss of top soil productivity and susceptibility to wind and water erosion. Wind erosion would be expected to be a minor contributor to soil erosion with the possible

exception of dust from vehicle traffic. These impacts could result in increased indirect impacts such as runoff, erosion and off-site sedimentation.

Mitigation

The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation, resulting in cessation of project related erosion or runoff.

Watershed – Hydrology:

Watershed and hydrology in the area is affected by land and water use practices. The degree to which hydrologic processes are affected by land and water use depends on location, extent, timing and type of activity. Factors that currently cause short-lived alterations to the hydrologic regime include livestock grazing management, recreational use activities, groundwater pumping and also oil and gas developments such as well pads, permanent and temporary roads, pipelines and power lines.

Environmental Consequences -

Construction and surface disturbance activities from construction of the project can result in long and short-term alterations to hydrologic regime. Peak and low flow of perennial streams, ephemeral, and intermittent rivers and streams would be directly affected by an increase in impervious surfaces resulting from construction of this pipeline. Potential hydrologic effects to peak flow is reduced infiltration where surface flows can move more quickly to perennial or ephemeral rivers and streams, causing peak flow to occur earlier and be larger. Increased magnitude and volume of peak flow can cause bank erosion, channel widening, downward incision, and disconnection from the floodplain. Potential hydrologic effects to low flow is reduced surface storage and groundwater recharge, resulting in reduced baseflow to perennial, ephemeral, and intermittent rivers and streams. Direct impacts would be that hydrologic processes may be altered where perennial, ephemeral, and intermittent river and stream systems respond by changing physical parameters, such as channel configuration. These changes may in turn impact chemical parameters and ultimately the aquatic ecosystem.

Long-term direct and indirect impacts to watershed and hydrology would continue for the life of the project and would decrease once natural re-vegetation of the project has taken place. Short-term direct and indirect impacts to the watershed and hydrology from pipelines that are not buried with material would occur and would likely decrease in time due to natural re-vegetation. The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation.

Mitigation

No new roads would be authorized as a part of this project for construction or maintenance. No blading would occur on public land, unless authorized by the Authorized Officer. Brush would be cleared by hand with hand tools. Vegetation, soil and rocks left as a result of construction or maintenance activity would be randomly scattered over the project area and

would not be left in rows, piles or berms, unless otherwise approved by the Authorized Officer.

The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation.

Water Quality: Surface and Groundwater

Surface: Surface water within the area is affected by geology, precipitation and water erosion. Factors that currently affect surface water resources include livestock grazing management, recreational use and brush control treatments. Ephemeral surface water within the area may be located in tributaries, playas, alkali lakes and stock tanks. No perennial surface water is found on public land in this area.

Ground: Groundwater within this area is affected by geology and precipitation. Factors that currently affect groundwater resources in this area include livestock grazing management, groundwater pumping and possible impacts from brush control treatments. The approximate depth to groundwater ranges from 250 to 300 feet in the area (New Mexico Office of the State Engineer data).

Environmental Consequences -

Surface disturbance from construction of this project can result in degradation of surface water quality and groundwater quality from non-point source pollution, increased soil losses, and increased gully erosion.

Potential direct impacts that would occur due to construction of the project include increased surface water runoff and off-site sedimentation brought about by soil disturbance and increased salt loading and water quality impairment of surface waters. The magnitude of these impacts to water resources would depend on the proximity of the disturbance to the drainage channel, slope aspect and gradient, degree and area of soil disturbance, soil character, duration and time within which construction activity would occur, and the timely implementation and success or failure of mitigation measures.

Direct impacts would likely be greatest shortly after the start of construction activities and would likely decrease in time due to natural stabilization, and reclamation efforts. Construction activities would occur over a relatively short period; therefore, the majority of the disturbance would be intense but short lived. Direct impacts to surface water quality would be minor, short-term impacts which may occur during storm flow events. Indirect impacts to water-quality related resources, such as fisheries, would not occur.

Authorization of the proposed projects would require full compliance with BLM directives and stipulations that relate to surface and groundwater protection.

Mitigation

No new roads would be authorized as a part of this project for construction or maintenance. No blading would occur on public land, unless authorized by the Authorized Officer. Brush would be cleared by hand with hand tools. Vegetation, soil and rocks left as a result of construction or maintenance activity would be randomly scattered over the project area and would not be left in rows, piles or berms, unless otherwise approved by the Authorized Officer.

The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation.

Vegetation: The proposed project area predominately fits the Sand Hill CP-2, Sandy Plains CP-2, Shallow Sand CP-2, Sandy Loam CP-2 and Loamy CP-2 ecological sites. The vegetation for these sites at climax (potential) includes grasses such as black grama, sideoats, little bluestem, blue grama, galleta, tobosa, sand dropseed, mesa dropseed, spike dropseed sand bluestem and hairy grama. The shrub component includes shinnery oak, winterfat, sand sage and yucca while forbs such as indian rushpea, croton, dalea, scarlet globemallow and buckwheat occur.

Environmental Consequences –

Vegetation disturbance would be localized to the immediate area of the project. A small amount of vegetation would be destroyed where the posts and gates are set alongside this route. The disturbed area should naturally re-vegetate within two growing seasons or less with adequate precipitation.

Invasive, Non-Native Species: A noxious weed is defined as a plant that causes disease or has other adverse effects on the human environment and is, therefore, detrimental to the public health and to the agriculture and commerce of the United States. Generally, noxious weeds are aggressive, difficult to manage, parasitic, are carriers or hosts of harmful insects or disease, and are either native, new to, or not common in, the United States. In most cases, however, noxious weeds are non-native species.

The list currently includes the following weeds: 1) African rue (*Peganum harmala*), 2) black henbane (*Hyoscyamus niger*), 3) bull thistle (*Cirsium vulgare*), 4) camelthorn (*Alhagi pseudalhagi*), 5) Canada thistle (*Cirsium arvense*), 6) dalmatian toadflax (*Linaria genistifolia* ssp. *Dalmatica*), 7) goldenrod, (*Solidago Canadensis*) 8) leafy spurge (*Euphorbia esula*), 9) Malta starthistle (*Centaurea melitensis*), 10) musk thistle (*Carduus nutans*), 11) poison hemlock (*Conium maculatum*), 12) purple starthistle (*Centaurea calcitrapa*), 13) Russian knapweed (*Centaurea repens*), 14) Scotch thistle (*Onopordum acanthium*), 15) spotted knapweed (*Centaurea maculosa*), 16) teasel (*Dipsacus fullonum*), 17) yellow starthistle (*Centaurea solstitialis*), 18) yellow toadflax (*Linaria vulgaris*), 19) Russian olive (*Elaeagnus angustifolia*), 20) Saltcedar (*Tamarix* spp.), 21) Siberian elm (*Ulmus pumila*).

Of the noxious weeds listed, the ones with known populations in the Roswell Field Office are African rue, non-native thistles (*Cirsium* spp.) such as bull thistle and Canada thistle, leafy spurge, poison hemlock, teasel, musk thistle, goldenrod, Malta starthistle, Russian knapweed, tamarix species, Siberian elm, Russian olive and Scotch thistle. Also "problem weeds" of local concern are cocklebur (*Xanthium* spp.), buffalobur (*Curcubita foetidissima*) and spiny cocklebur (*Xanthium spinosum*). "Problem weeds" are those weeds which may be native to the area but whose populations are out of balance with other local flora.

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Further, noxious weeds can negatively affect livestock and dairy producers by increasing their feed and animal health care costs. Increased costs to operators are eventually borne by consumers. Noxious weeds also affect recreational uses, and reduce realty values of both directly influenced and adjacent properties.

Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs using funds generated from the federal tax base. Therefore, all citizens and taxpayers of the United States are directly affected when noxious weed control prevention is not exercised.

There are known noxious or invasive species populations of African rue within the boundaries of allotment #65234 and 65034, but not along the proposed fence route.

Environmental Consequences

There is an opportunity for noxious weeds to become established within the proposed fenceline route. Monitoring the area after installation will be conducted to ensure that weeds do not become established. If new weed populations are discovered, they will be aggressively treated.

Visual: The proposed route for the fence is contained in an area which is considered to be Class IV Visual Resource Class Area. Class IV provides for management activities which require major modification to the existing character of the landscape. The level of change in these areas can be high.

Environmental Consequences:

There would be a short-term change in the color and texture along this fenceline route.

Mitigation:

The area of disturbance should naturally re-vegetate within two growing seasons lessening the evidence of the fenceline.

Wildlife: This allotment is within the Roswell Resource Area Resource Management Plan Amendment, and is the northern most allotment of the ACEC area. Game species occurring

within the area include mule deer, mourning dove, pronghorn, and scaled quail. Raptors that utilize the area on a more seasonal basis include the Swainson's, red-tailed, and ferruginous hawks, American kestrel, and great horned owl. Numerous passerine birds utilize the grassland areas due to the variety of grasses, forbs and shrubs. The most common include the western meadowlark, mockingbird, horned lark, killdeer, loggerhead shrike, and vesper sparrow.

The warm prairie environment supports a large number of reptile species compared to higher elevations. The more common reptiles include the short-horned lizard, lesser earless lizard, eastern fence lizard, coachwhip, bullsnake, prairie rattlesnake and western rattlesnake.

Special Status Species

Sand Dune Lizard.

Project should have no impact on the Sand Dune Lizard.

Lesser Prairie Chicken

The Lesser Prairie Chicken (LPC) inhabits this area and could be affected by the construction of this new fence. LPC's fly to their leks in little to no light just above the ground and have been known to collide with fences resulting in mortalities. LPC's also fly low to the ground to avoid predators and sometimes collide with fences. The installation of fence markers has shown success in preventing LPC mortalities. With the installation of these markers this new fence should have minimal impact on LPC.

Environmental Consequences:

There will be short-term disruptions to wildlife during the installation phase. No additional mitigating measures would be needed if the standard operating procedures and design features are adhered to.

Threatened and Endangered Species:

There are no known threatened or endangered species of plant or animals on Allotment 65234. A list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2). There are no designated critical habitat areas within this allotment.

Environmental Consequences: N/A

Livestock Grazing:

The White Lakes Crosby allotment (65034) to the north and the White Lakes Ranch allotment #65035 to the west are operated as cow/calf ranches on a year-long basis. Livestock are rotated through pastures which are adjacent to the proposed fence location. Grazing on the

North ACEC allotment, #65234, has been relinquished for the term of the RMPA under Taylor Grazing Act, however grazing may be used as a vegetation management tool.

Environmental Consequences –

Prior to relinquishment the allocated number of livestock for allotment 65234 was set at 386 Animal Units over the entire allotment for the grazing year (03/01-02/28). Depending on the vegetation situation this number may be higher, lower or none at all, and the time frame may be different, again as the situation calls for. The establishment and construction of the proposed fence is more to keep livestock out than to keep them in. No changes in livestock numbers would occur for the two allotments adjacent to and outside of allotment 65234.

Mineral and Oil and Gas development:

There are existing leases/permits for mineral materials and oil and gas throughout this area.

Environmental Consequences

No impacts are anticipated with the mineral developments in the project area.

Land, Realty and Rights-of-Way:

Rights-of-Way for pipelines, power lines, communication sites and access routes are permitted within the Roswell Field Office area.

Environmental Consequences:

To avoid unforeseen impacts to the oil and gas industry and to allow for safety, all oil and gas operators and right-of-way holders will be contacted prior the start of construction.

Cultural

The project falls within the Southeastern New Mexico Archaeological Region. This region contains the following cultural/temporal periods: Paleoindian (ca. 12,000-8,000 B.C.), Archaic (ca. 8000 B.C. –A.D. 950), Ceramic (ca. A.D. 600-1540) Protohistoric and Spanish Colonial (ca. A.D. 1400-1821), and Mexican and American Historical (ca. A.D. 1822 to early 20th century). Sites representing any or all of these periods are known to occur within the region. A more complete discussion can be found in *Living on the Land: 11,000 Years of Human Adaptation in Southeastern New Mexico An Overview of Cultural Resources in the Roswell District*, Bureau of Land Management published in 1989 by the U.S. Department of the Interior, Bureau of Land Management. A cultural resource inventory shall be conducted of the area of effect for the proposed project prior to any ground disturbing activities.

A cultural resource inventory was conducted for the area of effect (11-R-25A), no Historic Properties were identified. No cultural resources will be affected. There is one prehistoric archaeological site (LA 53468) located just over 100 feet from the project area.

CUMULATIVE IMPACTS

A cumulative impact is defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7).

Analysis of cumulative impacts is driven by major resource issues. The action considered in this environmental assessment (EA) is the installation of a fenceline on allotment #65234.

Roads, fences, stock trails and water well development have occurred in the past and may contribute to the cumulative impacts of the area. This is in addition to oil and gas field development in the area. The proposed action will not contribute significantly to the cumulative impacts to the area.

C. DESCRIPTION OF MITIGATION MEASURES AND RESIDUAL IMPACTS:

Mitigation Incorporated into the Proposed Action: A linear area of disturbance from the fenceline will remain on the landscape. This feature will not stand out significantly on the landscape due to the fact that it will be installed along an existing major gas line and natural re-vegetation along the fence will occur. The results of the proposed action will not substantially change the plant and animal communities of the project area .

IV. PERSONS OR AGENCIES CONSULTED

The following are people who have been consulted for their comments in regards to the proposed action in addition to the resource area specialists. The comments and suggestions expressed during the consultation have been incorporated into this EA.

White Lakes Ranch, Allottee of Allotment #65035
White Lakes Crosby Ranch, Allottees of Allotment 65034
Russell Fox, Operation Services
Adam Ortega, Range Management Specialist
Kyle Arnold, Range Management Specialist
Shane Trautner, Range Management Specialist
Dan Baggao, Wildlife Biologist
Randy Howard, Wildlife Biologist
Michael McGee, Hydrologist
Tate Salas, Realty Specialist
John Simitz, Petroleum Engineer
Bill Murry, Outdoor Recreation Planner
Justin W. Peters, Archaeologist

Prepared by:

/s/ Helen C.J. Miller
Helen C.J. Miller, Range Management Specialist

04/28/2011
Date

STIPULATIONS

1. No blading will occur on public land, unless authorized by the Authorized Officer.
2. Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.
3. Fence post spacing shall be up to 15 feet.
4. Wire spacing will be at 16", 6", 8" and 12" measuring from the ground up.
5. BLM reserves the right to alter any fence on Federal land should it be necessary for wildlife purposes.
6. No road is authorized as a part of this project for construction or maintenance.
7. Gates or cattle guards will be installed on existing roads to ensure public access.
8. Brush will be cleared by hand with hand tools.
9. The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public land under this authorization.
10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer, after consulting with the co-operator/contractor.
11. The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.
12. The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
13. The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper

authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.

**BUREAU OF LAND MANAGEMENT
ROSWELL FIELD OFFICE
DOI-BLM-NM-P010-2011-111 EA
Fence Installation**

Resources	Not Present on Site	No Impacts	May Be Impacts	Mitigation Included	BLM Reviewer	Date
Air Quality			X	X	SWA Spec/Hydrologist /s/ Michael McGee	4/14/2011
Soil			X	X		
Watershed Hydrology			X	X		
Floodplains	X					
Water Quality - Surface			X	X		
Water Quality - Ground			X	X	/s/ Michael McGee Geologist/Hydrologist	4/14/2011
Cultural Resources		X			/s/ Justin W. Peters Cultural Report # (11-R-025A) Archaeologist	11 April 2011
Native American Religious Concerns	X					
Paleontology	X					
Areas of Critical Environmental Concern		X			/s/ Phil Watts for Plan & Environ. Coord.	03/29/11
Farmlands, Prime or Unique	X				/s/Tate Salas Realty	4/11/2011
Rights-of-Way		X				
Invasive, Non-native Species			X	X	/s/ Shane Trautner Range Mgmt. Spec.	3/30/2011
Vegetation			X	X		
Livestock Grazing		X				
Wastes, Hazardous or Solid	X				/s/ Al Collar geologist	4/14/2011
Threatened or Endangered Species	X				/s/ Randy Howard Wildlife Biologist	4/14/2011
Special Status Species			X	X		
Wildlife			X	X		
Wetlands/Riparian Zones	X					
Wild and Scenic Rivers	X				/s/J H Parman for Bill Murry Outdoor Rec. Planner	4/15/11
Wilderness	X					
Recreation		X				
Visual Resources		X				
Cave/Karst	X				/s/ Al Collar geologist	4/14/2011
Environmental Justice		X				
Public Health and Safety		X			/s/ Jerry Dutchover Geo/SPS	03/31/11
Solid Mineral Resources		X				
Fluid Mineral Resources		X			/s/ John S. Simitz Geologist	4/13/2011

